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*Attorney for Defendant Casey Lynn Wells

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Casey Lynn Wells,

Defendant.

Case No. 2:24-mj-00397-DJA

**Unopposed Motion for
Modification of Conditions of
Probation**

I. Introduction

Ms. Wells respectfully requests that the Court modify her conditions of probation to allow her to pay a \$500 fine and \$10 penalty assessment in lieu of completing 51 hours of community service. Ms. Wells recently has procured full-time employment that will enable her to pay the fine but which would make it difficult for her to complete 51 hours of community service. The government has no objection to this request.

II. Procedural History

Ms. Wells was charged by criminal complaint with two counts: (1) Operating a Motor Vehicle While Under the Influence of Alcohol (36 C.F.R. § 4.23(a)(1)); and (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher (36 C.F.R. §

1 4.23(a)(2)). (ECF No. 1.) Pursuant to a plea agreement, she pleaded guilty to Count
 2 One. (ECF Nos. 11, 12.) The Court imposed the following sentence:

3 One-year term of Unsupervised Probation with special
 4 conditions:

- 5 1. 51 hours of community service;
- 6 2. Attend/ Complete the Lower Court Counseling's DUI
- 7 Course and Victim Impact Panel;
- 8 3. Attend/ Complete an Eight (8) hour online alcohol
- 9 awareness course;
- 10 4. 6-month Restriction from the Lake Mead National
- 11 Recreation Area;
- 12 5. Defendant must not violate any local, state, or federal
- 13 laws.

14 Count Two of the Complaint is DISMISSED.

15 Should Defendant complete conditions 1, 2, 3, 4 and 5 of
 16 unsupervised probation within one (1) year, and has not
 17 violated any local, state, or federal laws during that time,
 18 the parties agree to jointly move to allow the Defendant to
 19 withdraw her guilty plea to Count One. Government will
 20 move to amend Count One to a charge of Reckless Driving.
 21 The parties will jointly request that the original sentence
 22 be applied to the Reckless Driving conviction.

23 (ECF No. 11.)

24 **III. Modification Requests**

25 “The court may modify, reduce, or enlarge the conditions of a sentence of
 26 probation at any time prior to the expiration or termination of the term of
 27 probation, pursuant to the provisions of the Federal Rules of Criminal Procedure
 relating to the modification of probation and the provisions applicable to the initial
 setting of the conditions of probation.” 18 U.S.C. § 3563(c).

“Before modifying the conditions of probation or supervised release, the court
 must hold a hearing, at which the person has the right to counsel and an
 opportunity to make a statement and present any information in mitigation.” Fed.
 R. Crim. P. 32.1(c)(1). However, a hearing is not required if the person waives the

1 hearing, the relief sought is favorable to the person and does not extend the term of
2 probation or of supervised release, and an attorney for the government has received
3 notice of the relief sought, has had a reasonable opportunity to object, and has not
4 done so. Fed. R. Crim. P. 32.1(c)(2).

5 Ms. Wells respectfully requests that the Court modify the conditions of
6 probation to allow her to pay a \$500 fine and \$10 penalty assessment in lieu of
7 completing 51 hours of community service. Ms. Wells recently has obtained full time
8 employment that will enable her to pay the fine but which also will make it difficult
9 for her to complete 51 hours of community service.

10 Ms. Wells agrees to waive her right to a hearing. And given that the
11 requested modification is favorable to her under the circumstances, and the
12 government has no objection, a hearing is not required.

13 **IV. Conclusion**

14 Ms. Wells respectfully requests that the Court modify her conditions of
15 probation to allow her to pay a \$500 fine and \$10 penalty assessment in lieu of
16 completing 51 hours of community service.

17 Dated March 5, 2025.

18 Respectfully submitted,

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20 Rene L. Valladares
21 Federal Public Defender

22 /s/ Rick Mula

23 Rick Mula
24 Assistant Federal Public Defender
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Order

Good cause appearing, the Court grants Ms. Wells's motion for modification (ECF No. 13).

IT IS THEREFORE ORDERED that Ms. Wells is required to pay a \$500 fine and \$10 penalty assessment and is no longer required to complete 51 hours of community service.

DATED: 3/6/2025



Daniel J. Albregts
United States Magistrate Judge